

**BOARD OF PAROLE HEARINGS**

**Executive Board Meeting**

**Tuesday, February 19, 2013**

**CLOSED SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

NOTE START TIME:    **3:00 p.m.**

**AGENDA**

1.    Risk Assessments  
      Howard E. Moseley, Chief Counsel  
      Dr. Clifford Kusaj, Chief, Forensic Assessment Division  
      [Johnson vs. Shaffer, Case Number 2:12-cv-01059-CCH P]
2.    Lifer Scheduling and Tracking System (LSTS) Hands-on training  
      Howard Moseley, Chief Counsel

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Wednesday, February 20, 2013**  
**CLOSED SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

Discussion

1. *In re James L. Stevenson*, H037850 (Santa Clara County Super.Ct. No. 203910)

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)  
**Wednesday, February 20, 2013**

**OPEN SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

**NOTE START TIME: 10:00 a.m.**

**AGENDA**

**MEETING CALLED TO ORDER**

**CONSENT CALENDAR**

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: January 15, 2013
3. BPH Lifer Hearing Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

**REPORTS**

5. Report from Executive Officer
  - *California District Attorneys Association Conference*
  - *University of Southern California Gould's School of Law Conference*
  - *Notification of County of Conviction for Pardons*
6. Report from Chief Counsel
  - *People v. Wade* (2012) WL 1759369 (Cal.App.1 Dist.), presented by Michael Youril, Graduate Legal Assistant
  - *Life Scheduling and Tracking System Term Calculations*, presented by Katie Riley, Staff Counsel
  - *Notification of En Banc Referral*, presented by Howard Moseley, Chief Counsel
  - *"Court Ordered Re-hearings" versus "Court Advanced Hearings,"* presented by Howard Moseley, Chief Counsel

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### **DISCUSSION ITEMS**

7. a) *Administrative Directive on Hearing Decision Tie Votes*, presented by Howard Moseley, Chief Counsel  
 b) Board Questions and Comments  
 c) Public Comments  
 d) Motion and Votes

### **OPEN COMMENTS**

8. BPH Commissioners - Agenda Items for Future Meetings
9. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

### **EN BANC HEARINGS**

10. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

**A. BESS, Richard**                      **T-53652**  
 County of Commitment:  
 Santa Barbara

**B. CATHREN, Darrell**                      **F-82301**  
 County of Commitment:  
 Los Angeles

**C. CARDIN, Luis**                      **C-35792**  
 County of Commitment:  
 Los Angeles

11. Referral by the Chief Counsel pursuant to California Code of Regulations, Title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

**D. KIM, Kee**                      **P-71039**                      **(to consider new information regarding a rules violation report)**  
 County of Commitment:  
 Orange

**E. MOORE, Donnell**                      **D-73077**                      **(to consider new information regarding two rules violation reports)**  
 County of Commitment:  
 Los Angeles

12. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

**F. COOPER, Roderick**                      **C-72227**  
 County of Commitment:  
 Los Angeles

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- G. ENGLUND, David**                      **B-77911**  
County of Commitment:  
Shasta
- H. HILL, Jesse**                              **J-46685**  
County of Commitment:  
Los Angeles
- I. LATSCHA, James**                      **H-80825**  
County of Commitment:  
Riverside
- J. KNIGHT, Harvey**                      **C-96218**  
County of Commitment:  
Los Angeles
- K. MARTIN, John**                        **J-87352**  
County of Commitment:  
Contra Costa
- L. SILVA, Gabriel**                        **E-06734**  
County of Commitment:  
Orange

13. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

**M. LINMAN, Brook**  
County of Conviction:  
San Diego

**N. MENNEALY, Janeen**  
County of Conviction:  
Orange

14. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote.

**N. HILL, Roger**                              **C-53733**  
County of Commitment:  
Sonoma

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:  
[www.cdcr.ca.gov/BOPH/enbanc.html](http://www.cdcr.ca.gov/BOPH/enbanc.html).

#### **CLOSED SESSION – EN BANC CASES**

Pursuant to Government Code section 11126(c)(4)  
("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

#### **ADJOURNMENT**

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